

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of PacifiCorp (U-901-E) and
MidAmerican Energy Holdings Company for
Exemption Under Section 853(b) from the
Approval Requirements of Section 854(a) of the
Public Utilities Code with Respect to the
Acquisition of PacifiCorp by MidAmerican.

Application 05-07-010
(Filed July 15, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING
GRANTING MOTION TO FILE DOCUMENTS UNDER SEAL**

On October 18, 2005, PacifiCorp and MidAmerican Energy Holdings Company (collectively, Applicants) filed a motion to place under seal the documents that were inadvertently omitted from the Applicants' supplement filed on October 14, 2005. Specifically, the Applicants seek to place under seal the documents that Berkshire Hathaway and MidAmerican Energy Holdings Company (MEHC) provided to the United States Department of Justice and the Federal Trade Commission pursuant to the Hart-Scott-Rodino Act (HSR), 15 U.S.C. Section 18(a)(h).

There was no response to the Applicants' motion.

The Applicants assert that the documents they seek to place under seal contain "precisely the type of information competitors could use to disadvantage MEHC and/or PacifiCorp in competitive markets and future business dealings. Moreover, the Berkshire Hathaway HSR filing has been accorded confidential status under the HSR statute...." The Applicants also contend that granting their motion will not impair the rights of any party to the proceeding, as other parties

may “obtain access to these highly confidential documents after entering into a nondisclosure and protective agreement with the Applicants.”

The Applicants have demonstrated good cause to place under seal the documents identified in their motion. Therefore, the Applicants’ motion is granted pursuant to Public Utilities Code Section 583 and General Order 66-C.

IT IS RULED that:

1. The Applicants’ motion filed on October 18, 2005, to place the documents specified therein under seal is granted.
2. The documents placed under seal pursuant to this Ruling shall remain under seal for a two-year period from the date of this Ruling. During this period, these documents shall not be made accessible or disclosed to anyone other than Commission staff except on the further order or ruling of the Commission, the Assigned Commissioner, the assigned Administrative Law Judge (ALJ), or the ALJ then designated as Law and Motion Judge.
3. If the Applicants believe that protection of the material placed under seal by this Ruling is needed after two years, the Applicants may file a motion stating the need for further withholding of the material from public inspection or for such other relief as the Commission Rules may then provide. This motion shall be filed no later than 45 days before the expiration of this Ruling.

Dated January 27, 2006, at San Francisco, California.

/s/ TIMOTHY KENNEY

Timothy Kenney
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Motion to File Documents Under Seal on all parties of record in this proceeding or their attorneys of record.

Dated January 27, 2006, at San Francisco, California.

/s/ ELIZABETH LEWIS

Elizabeth Lewis

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.